

# Calendar No. 1945

86TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 1874

## VLADISLAV FOTICH

AUGUST 22, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H.R. 7877]

The Committee on the Judiciary, to which was referred the bill (H.R. 7877) for the relief of Vladislav Fotich, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of the proposed legislation is to waive section 33 of the Trading With the Enemy Act so as to permit Vladislav Fotich, a Yugoslavian citizen, who was precluded by illness and absence from the United States from making timely assertion of claim or institute suit for the return, under section 32 of that act, of his 12 shares of securities of the International Nickel Co. of Canada, Ltd., which were vested in the Alien Property Custodian in 1951, or the proceeds thereof, and any revenue received from the securities.

#### STATEMENT

The Department of Justice in its report states that it is unable to recommend enactment of the bill.

The Foreign Claims Settlement Commission, although opposing enactment of the bill, states that it is informed that the subject bill involves only a relatively small amount of money and that its enactment would have little effect on the total amounts potentially available to compensate American citizens for certain war losses.

The facts and conclusions in connection with this matter are contained in House Report 1705 on H.R. 7877, and are as follows:

In 1939, just before the outbreak of World War II, Mr. Vladislav Fotich was in Rotterdam with the former Yugoslav General Consulate. At that time Mr. Fotich, with his savings, purchased 12 shares of International Nickel Co. of

Canada. This stock was purchased through the Dutch bank *Nederlandtsche Handel-Maatschappij*, in Rotterdam, with whom he left the securities for safekeeping.

Mr. Fotich was in Rotterdam when it was occupied by the Germans. He was taken by force to Belgrade whence he escaped to southern France in 1942 where he hid from the Germans. He was taken seriously ill and was discovered and arrested in 1944. He was taken to the Drancy camp, but later in 1944 when he was released from that camp for return to Yugoslavia he escaped and lived in hiding in Paris until that city was liberated. After the war he returned to Yugoslavia where he was pensioned in 1949 due to serious illness.

When Mr. Fotich returned to Yugoslavia in 1946, he contacted the Dutch bank concerning his securities and was advised that they were blocked in the United States, and that it was not necessary for him to do anything under the circumstances unless he wanted to sell them.

In 1955, Mr. Fotich was in need of funds and contacted the Dutch bank, at which time he learned that his securities had been vested in 1951 under vesting order No. 17940. It was at that time that he was advised that he was barred by the provisions of section 33 of the Trading With the Enemy Act from filing a claim for the return of his property.

The committee has concluded on the basis of the unusual circumstances of this case, Mr. Fotich should be extended the opportunity of filing his claim and having it considered under the applicable provisions of the Trading With the Enemy Act. Therefore, it is recommended that the bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action of the House of Representatives and recommends that the bill, H.R. 7877, be considered favorably.

Attached hereto and made a part hereof are reports received from the Department of Justice and the Foreign Claims Settlement Commission on S. 2196, a similar Senate bill for the relief of this claimant.

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DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
*Washington, D.C., November 2, 1959.*

Hon. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 2196) for the relief of Vladislav Fotich.

The bill would authorize claimant, notwithstanding the running of the applicable statute of limitations, to file a claim or institute suit for the return of certain property which was seized and vested by the Office of Alien Property.

By vesting order 17940, executed May 24, 1951, the Office of Alien Property vested a portfolio of securities held by the Chase National

Bank of New York in an account in the name of Netherlands Trading Society, East, Inc. Included among the securities were 12 shares of stock of the International Nickel Co. of Canada, Ltd. The Office of Alien Property sold the stock in 1957 for the sum of \$883.81 and prior to such sale had received \$92.31 in dividends.

Subsequent to the vesting of the stock, information was received that the shares were beneficially owned by Vladislav Fotich, claimant in this bill. Mr. Fotich, a citizen of Yugoslavia, was in the Netherlands during World War II and returned to Yugoslavia in 1946. The claimant failed to file a claim or institute a suit for return of the property and the time for filing such claim has now expired.

Enactment of this bill would operate to waive the applicable statute of limitations on the filing of a claim for the return of vested property and thus grant a claimant a preference denied others. We are aware of no reason justifying such preference. Accordingly, the Department of Justice is unable to recommend enactment of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

LAWRENCE E. WALSH,  
*Deputy Attorney General.*

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FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES,  
*Washington, D.C., July 14, 1959.*

HON. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR EASTLAND: This refers to your request of June 25, 1959, for the views of the Commission on the bill, S. 2196, a bill for the relief of Vladislav Fotich.

Enactment of this bill would permit the return to Vladislav Fotich of the proceeds of certain securities vested by the United States under the Trading With the Enemy Act notwithstanding the time limitations for filing claim or institution of a suit for such return as provided for in section 33 of that act.

The only interest this Commission has in bills of this nature is the effect their enactment would have on the aggregate of funds derived from the liquidation of vested enemy assets. This Commission, acting for the executive branch, has proposed that these funds be used to the extent necessary, to compensate American citizens for certain war losses which, after more than 14 years have gone unpaid. This proposal is contained in the bill, S. 2005, which was submitted to the Congress by this Commission in draft form, January 7, 1959.

The Commission is informed that the subject bill involves only a relatively small amount of money and that its enactment would have little effect on the total amounts potentially available for payment of the claims provided for in S. 2005.

On the other hand, its enactment could well establish a precedent for the enactment of a series of similar bills involving a substantially greater amount in the aggregate. Approval of such bills would seriously impair potential balances available for payment of American war claims as provided for in S. 2005.

In view of the foregoing, the Commission is opposed to the enactment of the subject bill, S. 2196.

Advice has been received from the Bureau of the Budget that there would be no objection to the presentation of this report to your committee.

Sincerely yours,

WHITNEY GILLILLAND, *Chairman.*

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